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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

B5

FILE:

LIN-06-248-51063

Office: NEBRASKA SERVICE CENTER Date:

APR 22 2010

IN RE:

Petitioner:

Beneficiary:

PETITION:

Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry concerning your case must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Nebraska Service Center, and now the matter is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

The petitioner is an enterprise business solutions company. It seeks to employ the beneficiary permanently in the United States as a programmer/analyst pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). As required by statute, an ETA Form 9089, Application for Permanent Employment Certification (ETA 9089), approved by the Department of Labor (DOL), accompanied the petition. Upon reviewing the petition, the director determined that the submitted labor certification does not support the requested classification. Accordingly, the director denied the petition on August 18, 2007.

The instant appeal was filed by [REDACTED] with a Form G-28, Notice of Entry of Appearance as Attorney or Representative, executed by the petitioner and [REDACTED]. The attached Form G-28 indicates that [REDACTED] represents the petitioner as an appointed representative.

The regulation at 8 C.F.R. § 292.1 provides general representation provisions in immigration matters and lists following six categories of representatives who may represent a person entitled to representation: (1) Attorneys in the United States, (2) Law students and law graduates not yet admitted to the bar, (3) Reputable individuals, (4) Accredited representatives, (5) Accredited officials, and (6) attorneys outside the United States. However, the regulation governing representation in filing immigration petitions and/or applications with U.S. Citizenship and Immigration Services (USCIS) is the regulation at 8 C.F.R. § 103.2(a)(3), which provides in pertinent part that:

(3) *Representation.* An applicant or petitioner may be represented by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter.

However, a review of recognized organizations and accredited representatives reported by the Executive Office for Immigration Review at <http://www.usdoj.gov/eoir/statspub/recognitionaccreditationroster.pdf> (accessed on February 23, 2010) does not mention either [REDACTED] or [REDACTED]. Therefore, on March 16, 2010 the AAO issued a request for information to [REDACTED] granting him 15 days to submit evidence to support the authorization of his presentation in the instant appeal. The AAO has not received any correspondence from [REDACTED] as of this date, 30 days after the notice.

In the instant case, [REDACTED] is not an attorney in or outside the United States, nor an accredited representative as defined in § 292.1(a)(4). Therefore, [REDACTED] is not authorized by any regulations to represent a petitioner in filing an I-140 immigrant petition and/or an appeal from the denial of an I-140 petition.

Therefore, the instant appeal was filed improperly by an unauthorized representative. The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) provides that: “An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed.” As the appeal was not properly filed, the appeal must be rejected.

ORDER: The appeal is rejected as improperly filed pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(1).